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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NGUYEN, LE V

ART UNIT PAPER NUMBER

2174

DATE MAILED: 08/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/717,784

Applicant(s)

HEISKARI, HELI

Examiner

Le Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

- a) 14, 16, 18 and 20 of fig. 3; and
- b) 26 and 28 of fig. 2F.

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The disclosure is objected to because of the following informalities: in line 13 of page 5, the word "nclude" needs to be changed to -- include --.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1-2, 5-6 and 9-10 are rejected under 35 U.S.C. 102(b) as being unpatentable by Smith et al. ("Smith", US 5,923,327).

As per claim 1, Smith teaches a computer-readable medium encoded with a data structure for use in providing a graphical icon for display on a display of a portable communications device, characterized in that the data structure is encoded as digital data indicative of the graphical icon defined by alternating light and dark stripes, that selected stripes of the light and dark stripes change from light to dark and back to light to indicate a shadow adjacent an edge of the icon and from dark to light and back to dark to indicate a highlight adjacent another edge of the icon, and that altogether the light and dark stripes with shadows and highlight provide the icon with a three dimensional appearance (fig. 10; col. 7, line 43 through col. 8, line 6; *users may edit the bits of an icon bitmap*).

As per claim 2, Smith teaches a computer-readable medium characterized in that the data structure is encoded according to a portable bitmap file format (col. 7, line 61).

Claims 5 and 9 are individually similar in scope to claim 1 and are therefore rejected under similar rationale.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 3-4, 7-8 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. ("Smith", US 5,923,327) in view of Hess et al. ("Hess", US 6,415,320 B1).

As per claims 3 and 4, Smith teaches a computer-readable medium characterized in that the data structure is encoded according to a Portable Bitmap file format (col. 7, line 61).

Although Smith does not explicitly disclose the file format to be in a Portable Greymap file format or a portable color image file format/Portable Pixmap, Hess teaches a computer-readable medium characterized in that the data structure is encoded in various file formats, including Portable Bitmap file format, Portable Greymap file format and a Portable Pixmap (col. 8, lines 31-47; *PBM/PGM/PPM*). Therefore, it would have been obvious to an artisan at the time of the invention to include Hess' teaching of a computer-readable medium characterized in that the data structure is encoded in various file formats, including Portable Bitmap file format, Portable Greymap file format and a Portable Pixmap to Smith's teaching of a computer-readable medium characterized in that the data structure is encoded according to a Portable Bitmap file format in order to contribute to the flexibility of saving images in various file formats and providing an additional convenience to the users, especially given that all of these file formats are art equivalents.

Claims 6 and 7 in combination is similar in scope to the combination of claims 3 and 4 and is therefore rejected under similar rationale.

Claims 11 and 12 in combination is similar in scope to the combination of claims 3 and 4 and is therefore rejected under similar rationale.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Smith et al. (US 6,226,367 B1) teach calling line identification with location icon.

Bell (US 6,501,490 B1) teaches a system and method for generating a family of icons.

Fernandez et al. (US 6,377,261 B1) teach compiling glyphs into instructions for imaging for execution on a general purpose computer.

Dowling et al. (US 6,563,502 B1) teach device dependent rendering.

Hatanaka et al. (US 5,680,558) teach multimedia file management in which specialized icons can be created for different file types.

Walters et al. (US 6,453,281 B1) teach portable audio database device with icon-based graphical user-interface.

Inquires

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lê Nguyen whose telephone number is (703) 305-7601. The examiner can normally be reached on Monday - Friday from 5:30 am to 2:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax numbers for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238 [After Final Communication]

(703) 746-7239 [Official Communication]

(703) 746-7240 [For status inquiries, Draft Communication]

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Lê Nguyen
Patent Examiner
July 30, 2003

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100